

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/658,193 09/08/00 NIUYA

T 09038.0032 *dh*

MM91/0911

EXAMINER

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EATON, K

ART UNIT

PAPER NUMBER

2823

DATE MAILED:

09/11/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)
	09/658,193	NIUYA ET AL.
	Examiner Kurt M. Eaton	Art Unit 2823
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>		
Period for Reply		
<p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>1</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</p>		
<ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 		
Status		
<p>1)<input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>08 September 2000</u>.</p>		
<p>2a)<input type="checkbox"/> This action is FINAL. 2b)<input checked="" type="checkbox"/> This action is non-final.</p>		
<p>3)<input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</p>		
Disposition of Claims		
<p>4)<input checked="" type="checkbox"/> Claim(s) <u>1-10</u> is/are pending in the application.</p>		
<p>4a) Of the above claim(s) _____ is/are withdrawn from consideration.</p>		
<p>5)<input type="checkbox"/> Claim(s) _____ is/are allowed.</p>		
<p>6)<input type="checkbox"/> Claim(s) _____ is/are rejected.</p>		
<p>7)<input type="checkbox"/> Claim(s) _____ is/are objected to.</p>		
<p>8)<input checked="" type="checkbox"/> Claim(s) <u>1-10</u> are subject to restriction and/or election requirement.</p>		
Application Papers		
<p>9)<input type="checkbox"/> The specification is objected to by the Examiner.</p>		
<p>10)<input type="checkbox"/> The drawing(s) filed on _____ is/are: a)<input type="checkbox"/> accepted or b)<input type="checkbox"/> objected to by the Examiner.</p>		
<p style="margin-left: 20px;">Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p>		
<p>11)<input type="checkbox"/> The proposed drawing correction filed on _____ is: a)<input type="checkbox"/> approved b)<input type="checkbox"/> disapproved by the Examiner.</p>		
<p style="margin-left: 20px;">If approved, corrected drawings are required in reply to this Office action.</p>		
<p>12)<input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p>		
Priority under 35 U.S.C. §§ 119 and 120		
<p>13)<input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p>		
<p>a)<input type="checkbox"/> All b)<input type="checkbox"/> Some * c)<input type="checkbox"/> None of:</p>		
<p>1.<input type="checkbox"/> Certified copies of the priority documents have been received.</p>		
<p>2.<input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.</p>		
<p>3.<input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</p>		
<p>* See the attached detailed Office action for a list of the certified copies not received.</p>		
<p>14)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).</p>		
<p>a)<input type="checkbox"/> The translation of the foreign language provisional application has been received.</p>		
<p>15)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</p>		
Attachment(s)		
<p>1)<input type="checkbox"/> Notice of References Cited (PTO-892)</p>		
<p>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p>		
<p>3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.</p>		
<p>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.</p>		
<p>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p>		
<p>6)<input type="checkbox"/> Other: _____.</p>		

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-6, drawn to a method of manufacturing semiconductor devices, classified in class 438, subclass 618.
 - II. Claims 7-10, drawn to an apparatus for manufacturing semiconductor devices, classified in class 414, subclass 271.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus in the invention of Group II can be used to practice another and materially different process such as a method of manufacturing semiconductor devices which does not include at least the steps of making a first concavity in a first insulating film on a surface of a substrate; burying the first concavity covered with the barrier layer for the purpose of preventing metal diffusion with wiring metal; polishing the substrate to remove a part of the metal residing higher than the upper peripheral level of the first concavity so as to leave a first metal layer in the first concavity.

Conclusion

3. Paper related to this application may be submitted directly to Art Unit 2823 by facsimile transmission. Papers should be faxed to Art Unit 2823 via the Art Unit 2823 Fax Center located in

Crystal Plaza 4, room 4C23. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (15 November 1989). The Art Unit 2823 Fax Center number is **(703) 308-7722 or -7724**. The Art Unit 2823 Fax Center is to be used only for papers related to Art Unit 2823 applications.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to **Kurt Eaton** at **(703) 305-0383** and between the hours of 8:00 AM to 4:00 PM (Eastern Standard Time) Monday through Friday or by e-mail via kurt.eaton@uspto.gov.



Olik Chaudhuri
Supervisory Patent Examiner
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